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No. 71-1549

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In the

Supreme Court of the United States

OCTOBER TERM 1971

FREDERIKA BLANKNER,

Petitioner-Appellant,

vs.

CITY OF CHICAGO, a Municipal Corporation,

Respondent-Appellee.

Appeal From The Supreme Court of Illinois
Docket 41867

Motion

CONSOLIDATED PETITION FOR LEAVE TO FILE AND BRIEF OF AMICI CURIAE IN SUPPORT OF A PETITION FOR WRIT OF CERTIORARI

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CONSTITUTIONAL PROVISIONS INVOLVED

Preamble:

"We, the people of the United States in Order to form a more perfect Union, establish justice, . . . and secure the blessings of liberty for ourselves and our posterity, do ordain and establish this Constitution of the United States of America." 19

Fourteenth Amendment:

". . . nor shall any State deprive any person of life, liberty, or property without due process of law; . . ." 14

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Now come the CHICAGO PROPERTY OWNERS ASSOCIATION, the AMERICAN LANDOWNERS ASSOCIATION, the GREATER CHICAGO PROPERTY OWNERS COUNCIL, and the STUDENT GOVERNMENT OF THE UNIVERSITY OF CHICAGO and move this Honorable Court for leave to file their consolidated brief as *amici curiae* in support of the petition for the issuance of a Writ of Certiorari previously filed by the petitioner, FREDERIKA BLANKNER, in Case No. 71-1549, and state as follows:

1. The CHICAGO PROPERTY OWNERS ASSOCIATION and the GREATER CHICAGO PROPERTY OWNERS COUNCIL are "not-for-profit" organizations composed of members who own real property in the Chicago-metropolitan area. The members of these organizations are principally the owners of single-family homes

and small apartment buildings who are interested in the effects and abuses of governmental power over themselves and others similarly situated.

2. The AMERICAN LANDOWNERS ASSOCIATION, with headquarters in Harper's Ferry, West Virginia, is a "not-for-profit" organization with members throughout the United States whose purpose is educational and informational. The ASSOCIATION seeks to protect the rights of small landowners and to intervene as a "friend of the Court" in litigation where a small property owner is involved in testing an issue important to the ASSOCIATION's membership.

3. The STUDENT GOVERNMENT OF THE UNIVERSITY OF CHICAGO is the elected representative assembly of the student body of 7300 members, both graduate and undergraduate, sanctioned by the university, to promote the interests of the student body and to foster a university community. Towards this end the STUDENT GOVERNMENT conducts inquiries and expresses the opinion of the organization regarding issues affecting the student body and the university community in order to call attention to such problems and cooperate with the university authorities in handling them.

4. The CHICAGO PROPERTY OWNERS ASSOCIATION, the GREATER CHICAGO PROPERTY OWNERS COUNCIL, the AMERICAN LANDOWNERS ASSOCIATION, and the STUDENT GOVERNMENT OF THE UNIVERSITY OF CHICAGO were each *amicus curiae* in the case at bar in the Illinois Supreme Court.

5. The CHICAGO PROPERTY OWNERS ASSOCIATION, the GREATER CHICAGO PROPERTY OWNERS COUNCIL, and the AMERICAN LANDOWNERS ASSOCIATION have been associated with this case as *amici*

curiae since they were granted leave of the Illinois Supreme Court to file briefs on October 16, 1969. These *amici* filed a joint brief in the Illinois Supreme Court and filed a petition for rehearing after the Court's decision.

6. The organizations and associations which seek leave to file their brief by this motion have requested the permission of the Corporation Counsel of the City of Chicago to file their views with the Court. The City of Chicago has not seen fit to grant them permission to so file. The Corporation Counsel's office first responded that this case had been pending for a substantial period of time and that any delay in the matter would inure to the detriment of the City. When the City was informed that the Rules of the United States Supreme Court did not allow a delay in the consideration of a Petition for Writ of Certiorari pending receipt of *amici* briefs, the answer of the City remained the same. It might be pointed out that the history of this case is most unusual in that the Illinois Supreme Court after granting the privilege of *amicus* standing to the makers of this motion and to the CHICAGO REAL ESTATE BOARD rejected petitions to appear as *amicus curiae* by the NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, the DEARBORN REAL ESTATE BOARD, and the JANITORS UNION. The interest of all of the *amici* and applicants for *amici* is that the legal battle being here waged by a retired school teacher, without resources, raises critical constitutional questions of national importance to all owners of property large and small, and to those professions, businesses and occupations such as real estate brokers and janitors which are dependent upon the security of rules relating to the ownership of property.

7. The case at bar relates to the procedures required of public bodies before land can be condemned in urban

renewal slum projects. The interest of the STUDENT GOVERNMENT OF THE UNIVERSITY OF CHICAGO in appearing in such a matter relates to its personal view of the manner in which the University of Chicago has induced the City of Chicago to act as a public body to realize private desires of that institution. Through participation in this case, that organization has carried on substantial research in the general area of urban renewal which it believes would be useful to the Court in its decision regarding a grant of certiorari. The interest of the three property and landowner associations is less scholarly but more practical. Every member of these three organizations must deal with public bodies possessing the power of condemnation. As owners of small amounts of land and small housing units, the individual members of these associations, like Miss BLANKNER, find it most difficult individually to mount a large-scale attack on what they believe to be an unconstitutional practice of government. Only by a hearing as *amicus* in those few cases of this nature which reach Appellate Courts can the great bulk of smaller property owners express their views in an effective manner.

8. Clarification and determinations of law by the United States Supreme Court would be especially important for Illinois property owners since the new Illinois Constitution of 1970 grants for the first time in the State's history broad "home rule" powers to many Illinois municipalities. Property owners within the State of Illinois will, for the first time, be faced with the possibility of local urban renewal legislation which may fail to accord citizens the rights of notice and hearing in the absence of Federal guidelines.

WHEREFORE, applicants request leave to file with the Court their brief, which because of the shortness of time is printed following this motion.

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CONSOLIDATED BRIEF OF AMICI CURIAE IN SUPPORT OF FREDERIKA BLANKNER'S "PETITION FOR WRIT OF CERTIORARI"

From the beginning of the Great Depression until the end of the Second World War, very little building took place in the United States. In the meanwhile, large-scale movements of peoples from rural America to the great cities of this country created wide areas in major cities which through conversions and ill-uses had substantially deteriorated. In addition to these problems which were economic in origin, racial discrimination had resulted in the crowding of minority groups into sections of cities which frequently contained the poorest quality housing. Faced with these problems, urbanologists and planners

came upon the concept of "urban renewal" as an answer to the new found municipal problems.

In 1954 the United States Supreme Court was faced with determining the constitutionality of urban renewal which appeared to be the precise answer to the new social problem. Thus, when presented with the new and promising concept, the Court gave it a constitutional bill of health. The Court said,

> "The experts concluded that if the community were to be healthy, if it were not to revert again to a blighted or slum area, as though possessed of a congenital disease, the area must be planned as a whole . . . it was important to redesign the whole area so as to eliminate the conditions that cause slums . . . it was believed that the piecemeal approach, the removal of individual structures that were offensive, would be only a palliative. The entire area needed redesigning so that a balanced, integrated plan could be developed for the region . . ."
>
> [*Berman* v. *Parker*, 348 U.S. 26, 34]

It does not need the urging of *amici* to bring to the attention of the Court the fact that the brave experiments of urban renewal have frequently not worked. That is not to say that the United States Supreme Court should be the arbiter of social experiments. The *amici* will, however, attempt to show that one of the fields in which urban renewal has failed has been the protection of the constitutional rights of the owners of property within renewal areas. Into such an area the Supreme Court has a responsibility of inquiry.

The *amici* will also attempt to show that an analysis of this problem by the United States Supreme Court is long overdue and that but for the impoverished nature of those potential litigants made victims of urban renewal, the issues presented by MISS BLANKNER would have come to the attention of the Court long ago.

The *amici curiae* have entered this case because the basic facts are symptomatic of the plight of tens of thousands of American property owners who are faced with urban renewal. The scenario is as follows:

> The property in question is an older building, either a single-family home or a small apartment building. The residents of the home and/or the owner of the building are retired individuals who have paid off the mortgage on their property and are attempting to live their later years in peace in a neighborhood they have called home for some time. They have attempted to keep their home or income-producing property in a reasonable state of repair but due to its age there are certain building violations present. A large institution, public or private, or a real estate developer becomes interested in the redevelopment of the area. The developer uses his friendship in municipal government to have studies made of the area which indicate that the area ought to be renewed. The municipal body rubberstamps the reports of its Department of Urban Renewal and without notice or hearing to the property owners involved unilaterally declares the area "slum" and "blighted". During the next few years, rumors sweep the affected area regarding the possible taking by the City. Since no one has received any communications regarding this matter, many people wait for some active step by the condemning authority. In the meanwhile, due to the rumors of governmental action, repair and maintenance projects are put off and the area deteriorates further. Finally, sometimes not until after a number of years, the governmental body which has been preparing its plans begins to purchase certain properties in the area by negotiation. At this point some people begin to realize that the condemning authority has never been required to satisfy anyone but itself that the area was slum and blighted. Property owners then approach the City, at that late date, to discover

exactly why the area was declared slum and blighted. Those who inquire about the designation of their particular buildings as "slum" and "blighted" are told that their buildings are in "good" or "rehabilitatable condition" but that the other buildings in the area are deteriorated beyond repair. Unfortunately, everyone who asks is told that it is not theirs but "the other buildings" which are the cause of the area's slum and blighted condition.

When finally almost all of the property is acquired, those structures which were found to be "slum" and "blighted" on governmental maps but which have previously been acquired by the developer of the land miraculously renew themselves so that they need not be wrecked.

Frequently, that land which once had upon it someone's retirement home, which cannot be duplicated with the proceeds of the settlement or condemnation award, serves the rather questionable social purpose of a parking lot or a mere buffer zone to separate racial or economically diverse groups.

All of the statements set out in the rather sad scenario are present in the BLANKNER case. If the Court grants the Writ of Certiorari, the specific facts which show the rawness and cynicism of the public and institutional bodies involved will be brought to your attention. The Appellant's brief in the Illinois Supreme Court had appended to it six appendices. The discussion in that brief regarding five of the appendices is appropriate here, and the discussion of appendices "B", "C", "D", "E", and part of "F" are set out here, verbatim.

APPENDIX B

A study was made of Woodlawn. The first draft of this study is entitled "Proposal for a Program to Meet Long Term Needs of Woodlawn." It is dated March 26, 1962 and states that it was prepared under the direction of

the Department of City Planning with funds provided through Community Renewal Program by the City of Chicago and the Housing and Home Finance Agency of the United States Government. It also states that it is for discussion purposes only. Figure 2 of the study is a map of the Woodlawn Community Area Proposal based on United States Housing Census of 1960. According to that map, the block on which petitioner's home is located contains the lowest ratio of housing units per block that are dilapidated and deteriorating. This map was based on United States Census of Housing, 1960.

APPENDIX C

This proposal did not satisfy the needs of the University of Chicago which wished to expand its Southern border. In a map prepared by the Chicago Department of Urban Renewal, dated December 1, 1964, almost every building in the Northern portion of Woodlawn is designated as deteriorated or having other building deficiencies. The events that occurred in the interim are best described by Arthur M. Brazier in *Black Self-Determination* (William B. Eerdman's Publishing Co. 1969, p. 54).

> "The City had run out of funds for urban renewal programs and wanted $14 million from Section 112 of the Housing Act of 1959. For the City to receive this money the University of Chicago had to sign certification papers. The university would not sign those papers until the City produced some kind of urban renewal program which would guarantee the university the land needed for the South Campus."

This is reaffirmed by Julian Levi in *Municipal and Institutional Relations Within Boston — Benefits of Section 112 of the Federal Housing Act of 1961* (University of Chicago, 1964) page 10 where he states:

> "Section 112 and its administrative regulations specifically provides that a Certification of Expenditure must be obtained from the institution."

Thus, the University was in the driver's seat in dictating the urban plan the City was to adopt.

In order to acquire these Section 112 credits, the City was thus compelled to find defendant-appellant's area slum and blighted.

APPENDIX D

As noted above, Mr. Levi stated that "the University owned approximately 60% of the total land area between 60th and 61st Streets, Cottage Grove and Stony Island." But, of course, it is logical that if the area was slum and blighted, all the University's buildings would have to be demolished. We are assuming that the area was slum and blighted warranting such clearance. The city prepared an acquisition map which shows that the City deliberately excluded from acquisition certain parcels of land, many of them on the same block as defendant-appellant's property is located on. These parcels, of course, belonged to the University.

APPENDIX E

On June 10, 1968, a copy of the *University of Chicago Record,* which claims to be an official University publication states:

> "The South Campus, bounded by 60th Street, 61st Street, Cottage Grove Avenue and Stony Island Avenue is currently the subject of an urban renewal plan under which substantially all of the land not presently owned by the University will be purchased by the University from the City. The University has owned about 43% of the land in south Campus for 50 years.

At the present time the University owns about 60% of the land in the South Campus; it is devoted almost exclusively to such academic buildings as the Law School, the School of Social Service Administration, Burton-Judson Courts, Midway Studios, Center for Continuing Education, the Industrial Relations Center, National Opinion Research Center, the Orthogenic School and so forth. Of the 170 registered students who lived in South Campus in the Autumn Quarter of 1967, a number live in University-owned buildings including married student housing apartments and the Plaisance Hotel. None of the University's holdings in South Campus is scheduled for demolition under the Urban Renewal Program."

Thus, although the area was declared slum and blighted and warranted clearance, apartment buildings owned by the University will be spared. Some of these same apartments are located on the same block as defendant-appellant's. However, appellant's building, will, if the City is successful, be demolished.

APPENDIX F

It might be argued that appellant's building warrants demolishing because of its condition. Appendix F is a report prepared by W.W. Vincent and Co. dated September 17, 1963 showing the insurable value of the property to be $111,000.00, the condition of the building to be good and noting that since December, 1960, she has spent $45,000 reconditioning the building. Exhibit F also includes a certificate of inspection of the City of Chicago dated June 2, 1966 showing "no violations."

* * * * *

It is significant that none of the preceding facts quoted from the Appellant's brief was in any way contested or denied by the City in its reply or in the oral argument.

It is most ironic to note that while this *amici* brief was in preparation, newspaper articles appeared in Chicago papers regarding the plans of the Federal Government for the rehabilitation of Woodlawn. The first few paragraphs of such an article written by Thomas M. Gray which appeared on page 3 of the *Chicago Sun-Times* on May 26, 1972 under the headline "Vast Federal Rehabilitation Planned For Woodlawn" are as follows:

> "Woodlawn, the deteriorated community just south of the University of Chicago that is filled with vacant, abandoned buildings, is scheduled for a massive federal rehabilitation effort, it was revealed Thursday.
>
> "Federal funds are available for the rehabilitation of buildings containing 1,159 apartments, said John L. Waner, Chicago area director of the U.S. Department of Housing and Urban Development.
>
> "Federal officials already have approved buildings with 824 units for rehabilitation, Waner said, and applications for another 335 units are under review.
>
> "Funds are being reserved under HUD's Project Rehab, an effort to put large sums of rehabilitation money into select areas where it might arrest blight before it spreads.
>
> "56 million for Chicago
>
> "Altogether, Waner said, Chicago already has been approved for $56 million in Project Rehab funds.
>
> "In Woodlawn, he added, 'we are now working with the Department of Urban Renewal of the city of Chicago and The Woodlawn Organization in attempting to designate specific blocks throughout Woodlawn to concentrate the rehabilitation efforts.
>
> " 'Our eventual goal will be to . . . reverse the neighborhood's continued trend toward deterioration.'
>
> "Waner said another 126 units are presently under rehabilitation in Lawndale, on the West Side, using Project Rehab funds and another 226 units are in process."

The aforesaid March, 1962, study conducted by the City of Chicago was based upon the 1960 United States Census charts relating to housing. As stated earlier in this brief, the survey showed that the "South Campus" area was the least "dilapidated and deteriorating" of all of Woodlawn, and that it was instead the area further south than "South Campus" which was "slum" and "blighted". (Figure 2)

More specifically, most of the "South Campus" area was shown to be "dilapidated and deteriorating" the minimum of 0.0% to 19.9%, and only one-fourth "dilapidated and deteriorating" 20% to 49.9%. These figures from the United States Census of Housing established the entire "South Campus" area to be below the "slum and blighted" level of 51%, and therefore not eligible for clearance.

The University of Chicago, however, was interested only in the area contiguous to its main University facilities. Therefore, while for the University's benefits, the "South Campus" area was relegated to the bulldozer, the other areas of Woodlawn, after 12 years of further deterioration, are now to be granted Federal funds for rehabilitation. Although the buildings in the "South Campus" area were shown to be in much better condition than the rest of Woodlawn and although the University already owned 60% of the land in this area, the property owners within what was euphemistically referred to as the "South Campus" were not offered such rehabilitation loans.

The *amici curiae* recognize that urban renewal is a legitimate governmental operation. They also recognize that while the actions of Government may not always be wise, such actions do not ordinarily require judgments by courts but rather actions of voters. Where, however, the actions of governments, be they pragmatically wise or

unwise, interfere with the constitutional rights of the citizens, the courts provide a citizen's prime protection against abuses. The lack of a notice of the anticipated declaration of a slum and blighted area and of an opportunity to be heard in that proceeding violates the due process clause of the 14th Amendment of the United States Constitution. Though urban renewal may be a good thing, the process loses its validity if a citizen whose land is to be taken in the renewal process is allowed to voice his objection only at a time which makes that objection ineffectual.

A fair amount has been written about urban renewal practices. Some writers have addressed themselves to the specific question raised by the BLANKNER case. Wilton A. Sogg and Warren Wertheimer are the authors of a chapter of a book devoted to urban renewal matters; they write as follows:

> "A public hearing is potentially more effective than a judicial proceeding in accommodating the needs of the program to private interests. Such a hearing provides an opportunity for the presentation of objections and suggestions bearing upon the desirability as well as the legality of public action. Furthermore, while a court is not empowered to prescribe alternatives to official action declared unlawful, a public hearing before a body other than a court may result in the modification of proposed action or the adoption of a new plan. Hearings held at early stages in the plan are sometimes ineffective because of lack of public interest and insufficient development of issues. The likelihood of change, however, is greater during the earlier stages while the plan is more flexible. It is commonly believed that hearings, whenever they occur, in fact exert little or no influence on the decisions of the body before which they are held, but provide only a form for the venting of hostility toward the plan.

The failure of hearings to be more effective may be attributable to inadequate legal representation of small owners, to unwillingness of administrators to modify a course of action once adopted, especially since hearings are usually held at a late stage in the progress of the plan, and to the common absence of statutory provisions requiring findings and other procedural formalities."

["Legal and Governmental Issues in Urban Renewal", (by) Wilton S. Sogg and Warren Wertheimer, in *Urban Renewal; The Record and the Controversy* (edited by James Q. Wilson, The MIT Press, Cambridge, Mass., 1966; reprinted from *Harvard Law Review* Volume 72, page 126, et seq., 1959, in book form at pages 139-140)]

In the same volume edited by James Q. Wilson, a chapter appears entitled "Urban Renewal in Newark" by Harold Kaplan. That chapter outlines the "behind the scenes" preparation of an urban renewal area which makes the absence of due process notice and hearing to the property owners all the more disturbing. The quotation of a few paragraphs from that article will give the Court a flavor of practices which sadly are not confined to New Jersey:

"The key question about any redevelopment site was whether a private firm could make a profit on middle-income housing in that area . . . there seemed, in fact, to be an inverse correlation between the degree of blight in an area and its acceptability to FHA and the redevelopers."

[at page 237]

"None of the institutions was any more willing to redevelop sites with hard core slums than private home dwellers would have been. Once again, the Newark Housing Authority found itself unable to select sites solely on the basis of the degree of blight,

> the presence of natural boundaries, or the observance of mixed land use and other persistent blighting factors."
>
> [at page 244]

The Kaplan article also indicates the inability of elected officials, short of the public pressure which hearings would inevitably bring about, to raise questions regarding the usefulness and advisability of a particular urban renewal project. He describes the process as follows:

> "After the authority announces a project and the Mayor approves an application to URA for survey and planning funds, the pressure on the City Council to add its assent is overwhelming. By this time, to quote one informant, the project is 'frozen'. The Councilmen must consider the proposal on a 'take it or leave it' basis; rarely have they seriously considered 'leaving' a proposal approved by NHA and the Mayor."
>
> [at page 254]

and

> "The City Council must eventually prove an urban renewal plan and a relocation plan, and the Central Planning Board (CPB) must declare the entire area blighted. But such action has usually been routine. As members of the Council and CPB have said, effective local review of clearance proposals can occur only at the very outset of the proposal."
>
> [at page 254]

Commenting on the ultimate decision after all of the groundwork has been done, Kaplan remarks:

> "At this point the time, energy and money already expended preclude serious local review."
>
> [at page 255]

In short, a single homeowner has no chance of stopping an urban renewal project once the City government and

the private redeveloper have firmly committed themselves to the project. As is pointed out in the appellant's Petition for the Writ of Certiorari, a traverse in the condemnation suits is a losing proposition. If the courts are to afford a property owner procedural due process in the area of urban renewal, the notice and hearing must take place at sometime well before the forces of bureaucracy and redeveloper's economic gain have become immovable in their positions.

It must be remembered how very different the condemnation proceeding is in an urban renewal project from one involving a condemnation for a road, a school, or another public use. In the latter instances, a successful traverse can be made against the taking on the grounds that the public body does not need the land for a public purpose or that the site is unsuitable for the project anticipated. In an urban renewal situation, there is no particular public purpose for the land except the eradication of the allegedly "slum" area. Under existing law, an attack upon the entire concept of an urban renewal project can only be made in the condemnation proceedings. Under Illinois law, landowners have no standing to sue at an earlier stage in the process (*Ross* v. *Chicago Land Clearance Commission,* 413 Ill. 377; 108 N.E.2d 776 (1952).). By the time a single property owner with sufficient courage to resist reaches the condemnation stage, much of the property in the area has previously been acquired and wrecked. The landowner is thus left with the impossible burden of proving that the area was not slum and blighted to begin with and that it has not become slum and blighted as a result of the urban renewal process which has progressed for sometime without the landowner having any right to effectively protest such action.

In the case at bar, the burden of an individual homeowner is made even more difficult since the private institution which will eventually receive the land already owned substantial numbers of buildings which it could maintain or not maintain at will. The temporary non-maintenance of structures in order to make them appear slum and blighted is certainly to the interest of a private institution which if such a determination is made will receive the aid of eminent domain in order to acquire the entire area. After the area is designated as slum and blighted, the same private institution can begin to recondition and remodel its buildings—a luxury which is not accorded those property owners whose buildings will be reduced to rubble.

During the early years of this century, the United States Supreme Court spent much of its time dealing with the redress of unconstitutional economic wrongs arising out of the Governmental attitude of *laissez-faire*. The interpretation of the courts in according workers their economic rights was an especially significant example of the expanded jurisprudence in those areas. In the more recent decades of this century, the court has principally addressed itself to personal rather than economic wrongs. During this time, Federal, state and local governments have become more activist and have taken a more prominent role in regulating and affecting the economic life of individuals. As noted earlier, the United States Supreme Court and other courts have for the most part upheld the general concept of the expansion of governmental powers into these areas. The time has now come, however, when after some years of experimentation the projects and concepts are beginning to show both their good and bad sides. The United States Supreme Court while finding

the general concept of urban renewal constitutional has not been called upon to examine some of the particular practices which have taken place in the name of urban renewal. This case, therefore, brings to the Court an opportunity of examining whether procedural due process protections are accorded citizens in urban renewal. Landowners, throughout America, who find themselves potentially or actively within renewal areas must have clarification and direction regarding their constitutional rights to effectively object to such projects at a meaningful stage.

The reply of the City of Chicago in opposition to the granting of a Writ of Certiorari indicates to the Court that in the traverse Miss BLANKNER'S objections, however comprehensive and firm, were not sufficient for the Court to stop the City's condemnation of her property.

Her later briefs will probably expand further and add to the sound legal and practical reasons for her position as set forth in her petition, such as the fact that to date no one knows how much counter-evidence would be needed to persuade the Court to stop the City, because to date no property owner has succeeded in this hitherto impossible feat.

Indeed, here is one of the many reasons why this typical case cries out for attention and decision by the Court as the only means "to establish justice" and so at long last to enforce the Constitution in the field of slum-and-blight condemnation where the Constitution has been forgotten.

After years of condemnation, it is only in the BLANKNER case that the issue of the definition of "due process" requirements in urban renewal matters has finally reached this Court. How many owners of property have desired answers to the questions at bar, but have instead suffered in silence with condemnation or settlement rather than

face the practically unchallengeable condemning body? How many would risk the value of their property in legal fees to argue due process? Not many. The case at bar presents such an individual and such an issue. We look forward to presenting to the Court our *amici* brief if, as we pray, the Court grants Miss BLANKNER the full hearing on these important issues which she has so far been denied.

CONCLUSION

For the reasons set forth herein it is respectfully urged by *amici curiae* that this Court grant the Petition for Writ of Certiorari.

Respectfully submitted,

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